the fairness of the trial procedure and the grounds asserted in support of the motion for a new trial was fully justified in light of this earlier extensive consideration of petitioners' other contentions. Title 11, Section 773 (now Section 321) of the D.C. Code renders appeals from the District of Columbia Court of Appeals to the United States Court of Appeals discretionary by requiring each prospective appellant to file a "petition for an allowance of an appeal." The United States Court of Appeals then determines from the petition, as this Court does on petitions for certiorari, whether further review is warranted. Limited review was appropriate under the circumstances of this case.

3. Since two appellate courts have already considered the issues relating to the fairness of the trial and the grounds asserted in support of a new trial—including petitioners Dehghan and Mohamadi's claims that they were merely innocent bystanders—these matters do not warrant further review. Moreover, petitioners were explicitly asked whether they wished a continuance, and they replied that they did not (R. 142). All of them, including Dehghan and Mohamadi, were advised that they could present evidence and could testify, but none chose to do so (R. 144). Their present contention that the bail set by the trial court was excessive and violated the Eighth Amendment was never presented before—not even in the form of a motion to reduce bail. Hence it cannot serve as a justification for petitioners' failure to request a continuance.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the petition for a writ of certiorari should be denied.

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